United States Government National Labor Relations Board OFFICE OF THE GENERAL COUNSEL

Advice Memorandum

DATE: January 19, 2010

TO : James J. McDermott, Regional Director

Region 31

FROM : Barry J. Kearney, Associate General Counsel

Division of Advice

SUBJECT: Olympia Medical Center

Case 31-CA-29318

and

SEIU-UHW-W

Case 31-CB-12659

These cases were submitted for review in light of the current dispute between the SEIU-UHW-W and the National Union of Healthcare Workers (NUHW).

Charging Party NUHW alleges that Respondent Olympia Medical Center violated Section 8(a)(1), (2) and (3) and Respondent SEIU violated Section 8(b)(1)(A) and (2) of the Act by compelling three employees to sign a Compromise and Release agreement that effectively allowed the employees to retain their jobs with the Employer while they attempted to secure city-mandated licenses. We agree with the Region that, even assuming the Employer and/or SEIU required the employees to sign, the agreement did not constitute an adverse employment action and, in any case, was a result of the municipality's requirements rather than any demonstrable support for the NUHW. Accordingly, we agree with that the Region may dismiss these charges, absent withdrawal.

/s/ B.J.K.